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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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ANTONIO NAVAREZ REYES, #20582-078 §  
§  
versus § CIVIL ACTION NO. 4:17-CV-719  
§ CRIMINAL ACTION NO. 4:12CR00252-007  
UNITED STATES OF AMERICA §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

The above-entitled and numbered civil action was referred to United States Magistrate Judge Christine A. Nowak, who issued a Report and Recommendation concluding that Movant Antonio Navarez Reyes' Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 should be granted. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court.

It is accordingly **ORDERED** that Movant Antonio Navarez Reyes' Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody (#1) pursuant to 28 U.S.C. § 2255 is **GRANTED** to the extent that the sentence imposed in Criminal Number 4:12CR00252-007 is **VACATED**, and Movant shall be resentenced.

It is further **ORDERED** that the United States Probation Office shall prepare a new Presentence Investigation Report reflecting Movant's objection to the previous Presentence Investigation Report and the correct calculation.

It is finally **ORDERED** that all other motions by either party not previously ruled on are **DENIED**.

SIGNED at Beaumont, Texas, this 15th day of November, 2018.

*Marcia A. Crone*  
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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE